
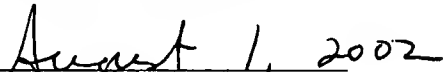


CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this Communication and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date August 1, 2002, in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EL701979676 US addressed to: Licensing and Review, Assistant Commissioner of Patents, Washington, D.C. 20231-0001.


Nancy L. Swanson


Nancy L. Swanson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Michel Rohan et al.)
Serial No.: 09/993,966)
Filed: 11/27/01)
For: Human and Non-Human Primate)
Homologues of NKD Protein,)
Nucleic Acid Sequences)
Encoding, and Uses Thereof)

RECEIVED
AUG - 6 2002
LICENSING & REVIEW

TRANSMITTAL LETTER

Asst. Commissioner of Patents
Washington, D.C. 20231-0001

Attn: Licensing and Review

Sir:

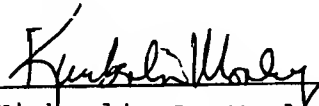
Enclosed please find the following:

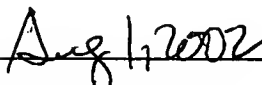
1. COPY: Form PTOL-456
2. Communication
3. Declaration in Response to
Notice Pursuant to 42 U.S.C. §2182
4. Return post card

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this transmittal to Deposit Account No. 03-1664.

Respectfully submitted,

By:


Kimberlin L. Morley
Attorney for Applicants
Registration No. 35,391
Telephone: (510) 923-8406
Facsimile: (510) 655-3542

Date: 

CHIRON CORPORATION
Intellectual Property
P.O. Box 8097
Emeryville, CA 94608-2916

MPD
8/1/02cy

StmH/152
1/5/04

PATENT
Docket No. PP-16337.004

CERTIFICATION UNDER 37 CFR §1.10

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Nancy L. Swanson
Nancy L. Swanson

August 1, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Michael Rohan et al.)
Serial No.: 09/993,966)
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Asst. Commissioner of Patents
Washington, D.C. 20231-0001

Attn: Licensing and Review

Sir:

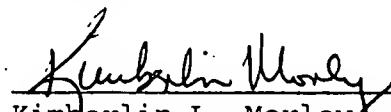
COMMUNICATION

In response to a Communication concerning 42 U.S.C. §2182 issued in connection with the above-identified application on June 26, 2002, Applicants submit a Declaration, attached

hereto, in which they declare that the invention described and claimed in the above-identified application was made in the course of work performed for Chiron Corporation, in Emeryville, California. Applicants further declare therein that the work was not funded by, nor was the invention made or conceived in the course of or under any contract, subcontract, or arrangement entered into with, or for the benefit of the United States Atomic Energy Commission or its successors.

Applicants maintain that submission of the attached Declaration satisfies the requirements of 42 U.S.C. §2182.

Respectfully submitted,



Kimberlin L. Morley
Attorney for Applicants
Registration No. 35,391
Telephone: (510) 923-8406
Facsimile: (510) 655-3542

Date: August 1, 2002

Chiron Corporation
Intellectual Property
P.O. Box 8097
Emeryville, CA 94662-8097



COPY

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO
09/993,966	11/27/01	ROHAN, ET AL.	P 0280733 16337.003

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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PILLSBURY WINTHROP LLP/VA

EXAMINER	
ART UNIT	PAPER NUMBER
	3

DOCKETED on/by 11/16/02

Atty. KLAL PA

File # 16337.003

Due Date 8/1/02 Ext ESD

Final Date 8/1/02

JUL 03 2002

DATE MAILED.

26 JUN 2002

CL 14024 MT# 280733
ATTY(S) KLAL
DUE: 8-10-02
DKT BY (1) KLAL (2) KLAL

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**